

Art Unit: 1797

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Fogarty on 3/16/10.

Claim 12 line 11 "stopping to measure" has been changed to –not measuring--.

Reasons for allowance:

1. The following is an examiner's statement of reasons for allowance:
2. In addition to the remarks of record, the cited prior art fails to teach or suggest a method of using a biosensor that comprises a reagent section and a colorimetric moisture indicator, where the colorimetric moisture indicator is checked for either an acceptable or unacceptable moisture content prior to using the biosensor. If the moisture content is within acceptable limits, the biosensor is used and if the moisture content is unacceptable, the biosensor is not used.
3. Applicants 10/16/09 translation of the priority document disqualified Fleming as prior art. Additionally, Douglas fails to anticipate or suggest the pending claims because this references fails to teach a second indicator to detect the presence of moisture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYLE A. ALEXANDER whose telephone number is (571)272-1254. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LYLE A ALEXANDER/
Primary Examiner, Art Unit 1797